

Subject: Victim's Leave

Date: December 3, 2003

Pages: 1 of 2

Replaces Policy Dated: N/A

PURPOSE: To establish a policy for Pinal County employees that conforms to Arizona Revised Statutes, regarding leave rights for victims of criminal offenses and delinquent acts.

SCOPE: This policy applies to all Pinal County employees against whom a criminal offense or delinquent act has been committed, or those who have an immediate family member or lawful representative who has been killed or incapacitated as a result of a criminal offense or delinquent act.

STATEMENT OF POLICY: Pinal County will grant victims of a criminal or delinquent acts, time off to attend court proceedings as specified below.

DEFINITIONS:

Victim – A person who has been designated, in writing, as a “crime victim” by a bonafide law enforcement agency or prosecutor.

Immediate Family Member - The spouse, parent, child, sibling, grandparent, or lawful guardian of an individual who has been killed or incapacitated by a criminal offense or delinquent act.

Lawful Representative - An individual designated by the victim, or appointed by the court, to act in the best interest of the victim.

PROCEDURE: An employee, or designee meeting one or more of the definitions above, may request leave upon being notified by the criminal or juvenile prosecutor whenever one of the referenced hearings noted below is scheduled. This includes any trials and many preliminary and post trial hearings as well.

Any employee exercising their rights under this policy will not lose “seniority or precedence” while absent. There is no waiting period to take advantage of these leave benefits and there is no limit on the length of leave an employee can take. Employees who exercise their rights will not be discriminated against in terms of hiring, firing, or with regard to compensation or other terms, conditions, or privileges of employment.

Eligible Proceedings:

Victims of juvenile offenses are given the right to leave work to be present at proceedings under ARS:

- 8-395 (hearing to consider the post conviction release from custody of the accused),
- 8-400 (any hearing at which the accused has a right to be present),
- 8-401 (detention hearing),
- 8-402 (hearing on possible post arrest release),
- 8-403 (plea negotiation hearing),
- 8-405 (disposition hearing),
- 8-406 (probation modification or termination hearing), and/or
- 8-415 (reexamination proceeding)

Victims of adult offenses are given the right to leave work to be present at proceedings under ARS:

- 13-4414 (hearing on post conviction release),
- 13-4420 (any proceedings in which the accused has a right to be present),
- 13-4421 (initial appearance),
- 13-4422 (post arrest release),
- 13-4423 (plea negotiation),
- 13-4426 (sentencing),
- 13-4427 (probation modification or termination),
- 13-4436 (reexamination proceeding)

Upon notification of one of the designated proceedings, the employee must notify their supervisor that they desire time off to attend. The employee request **must** be accompanied by:

1. A copy of the notice the employee received from law enforcement or the prosecutor regarding their status as a crime victim, and
2. A copy of the notice of any scheduled proceeding, if applicable.

Leave requests made under this policy may only be denied, or limited, if the leave creates undue hardship to the County. The County Managers concurrence is required before a leave request may be denied.

All time off taken under this policy must be charged against an employee's, sick, vacation or compensatory time balance. Unpaid time will only be permitted once all accrued time has been exhausted.

Employees who have requested time off under this policy are required to attend the proceeding for which the time off is requested. Failure to attend, or failure to return to work immediately following the conclusion of the proceeding, will be grounds for disciplinary action.